

COMMITTEE ON GOVERNMENT REFORM
TOM DAVIS, CHAIRMAN



NEWS RELEASE

For Immediate Release
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Davis Applauds FCC's 'Fans First'
Vote on Comcast / MASN Dispute

WASHINGTON, D.C. – Congressman Tom Davis (R-VA-11th) issued the following statement today regarding the Federal Communications Commission vote to require Comcast Communications to enter into binding arbitration to settle the controversy over airing Washington Nationals baseball games. The requirement is now a condition of the proposed Comcast and Time-Warner acquisition of Adelphia Cable:

“Fans of the Washington Nationals should rejoice. The FCC has agreed with me, and my colleagues, that fans should come first, and has stepped up to the plate to try to break the logjam between Comcast and MASN.

“I am hopeful that today’s action by the FCC leads to a quick resolution between Comcast and MASN to get the Nationals games where they belong – on the air, available to all cable subscribers. That’s what Nationals fans deserve, and what they’ve been waiting for, ever since the national pastime returned to the Nation’s Capital 15 months ago.”

A copy of the June 30 letter sent to the FCC by Davis, Congressman Jim Moran (D-VA) and Congressman Albert Wynn (D-MD) is included below:

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Adelphia/Time Warner/Comcast Transaction
MB Docket No. 05-192

Dear Chairman Martin:

The proposed acquisition of Adelphia Cable by Comcast Communications and Time Warner pending before the Commission provides an opportunity to address a major concern we have about carriage of the Washington Nationals baseball games on Comcast cable systems in the Washington, D.C. area. As you know, a controversy between Comcast and the Mid-Atlantic Sports Network (MASN) is preventing 1.3 million Comcast subscribers in this area from viewing 75 percent of this season's Nationals games.

We suggest that any Commission approval of the Adelphia merger be conditioned on requiring Comcast and MASN to submit to binding arbitration to resolve the Nationals carriage controversy. This would address both the concern of lack of televised exposure of the Nationals from a fan's perspective, and the concern of the significant expenditure of public funds by the District of Columbia in the hope that a successful team will spur urban revitalization efforts in the Nations' Capital.

This issue is also subject to a complaint, *In the Matter of TCR Sports Broadcasting Holding, L.L.P., v. Comcast Corporation*, that was filed on June 14, 2005 with the Commission. The complainant, the holder of the rights to the Nationals games, alleges that Comcast is in violation of Section 616 of the Communications Act of 1934 and Section 76.1301 of the Commission's rules by refusing to televise Nationals games. TCR seeks relief in the form of a Commission order that Comcast carry the Nationals games on its cable systems under the same terms and conditions as other multichannel video programming distributors.

The controversy between Comcast and MASN raises additional questions about the posture of Comcast relating to regional sports programming and the resultant adverse effect on the availability of sports programming to cable subscribers throughout the country. Requiring the parties to submit to arbitration in this instance would be a first step by the Commission to address the impact of potential restrictions on the availability of regional sports programming by major cable operators.

On May 25, 2006, we sent a letter to Chairman Martin and copied the other sitting Commissioners in which we expressed concern about the Comcast and MASN controversy regarding carriage of the Nationals games in the context of the Adelphia merger. Enclosed is a copy of that letter.

Thank you for considering our concerns and proposal for resolution of the standoff between Comcast and MASN.

Sincerely,

Tom Davis
Member of Congress

James Moran
Member of Congress

Albert Wynn
Member of Congress